

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TYRONE BAGGETT,)
)
Plaintiff,) Case No. 1:05-cv-804
)
v.) Honorable Wendell A. Miles
)
WILLIE O. SMITH et al.,)
)
Defendants.)
_____)

JUDGMENT

In accordance with the Opinion filed this date:

IT IS HEREBY ORDERED that Plaintiff's action be **DISMISSED** without prejudice for lack of exhaustion of available administrative remedies as required by 42 U.S.C. § 1997e(a).

For the same reasons that the Court dismisses the action, the Court discerns no good-faith basis for an appeal. *See* 28 U.S.C. § 1915(a)(3); *McGore v. Wrigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997).

Dated: January 3, 2006

/s/ Wendell A. Miles
Wendell A. Miles
Senior U.S. District Judge